

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 28, 2009

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Chaney, J., Johnson, J. and C. Hon, Deputy Clerk.

B210751 Azer v. LA County Sheriff's Office

Matter advanced to October 27, 2009.

B210125 Brezina v. Cooper, et al.

Matter continued to November 17, 2009.

B207869 D.C. v. Ryan

Matter continued to December 15, 2009.

B207219 Shaffer et al.
 v.
 Sassoon et al.

Merits:

Argued by Lan T. Quach for appellants and by Scott L. Gilmore for respondents. Cause submitted.

DIVISION ONE (continued)

B209926 Yaffe
 v.
 Mendelsohn, et al.
 Krane & Smith, et al.

Merits:
Argued by Mark Goodfriend for appellants. Respondents previously
waived oral argument. Cause submitted.

B211966 Miraflores
 v.
 City of Los Angeles

Merits:
Argued by Kamal A. Bilal for appellant and by Amy J. Field for
respondent. Cause submitted.

B207755 Lohman
 v.
 Mccrary

Merits:
Argued by Bruce Adelstein for appellant and by Kurt A. Stiefler for
respondent. Cause submitted.

B210802 Kightlinger
 v.
 White

Merits:
Argued by Jennifer J. McGrath for appellant and by Daniel M. Mayeda for
respondent. Cause submitted.

Rothschild, J. leaves the bench.

DIVISION ONE (continued)

B211988 Shankar
v.
Chu Sarang Medical, Inc.
Chu

Merits:

Argued by Arvind Shankar, appellant in propria persona and by Phillip K. Fife for respondent. Cause submitted.

Court recessed.

Court reconvened at 11:06 a.m.

Present: Mallano, P.J., Rothschild, J., Chaney, J. and C. Hon, Deputy Clerk.

B215035 Blue Cross of California, Inc., et al.
v.
Superior Court, Los Angeles County
(People of The State of California, r.p.i.)

Merits:

Argued by Thomas M. Peterson for petitioners, by Michael McClelland for Amicus Department of Managed Health Care and by James W. Colbert, III, Deputy City Attorney for real party in interest. Cause submitted.

Court adjourned.

B210946 People (Not for Publication)
v.
Scott

The judgment is affirmed.

Chaney, J.

We concur: Rothschild, Acting P.J.
 Johnson, J.

DIVISION ONE (continued)

B212165 311 South Spring Street Company (Not for Publication)
v.
Department of General Services

Plaintiff's motion to dismiss the appeal is denied. The September 16, 2008 order is reversed, and on remand the trial court is directed to vacate that portion of the judgment awarding postjudgment interest at a rate in excess of 7 percent. The parties are to bear their own costs on appeal.

Mallano, P.J.

We concur: Rothschild, J.
 Johnson, J.

B213064 People (Not for Publication)
v.
Norris

The judgment is affirmed.

Chaney, J.

We concur: Mallano, P.J.
 Johnson, J.

B215923 Los Angeles County, D.C.F.S. (Not for Publication)
v.
D.C.

The April 30, 2009 order terminating Mother's parental rights to S.C.is affirmed.

Chaney, J.

We concur: Mallano, P.J.
 Johnson, J.

DIVISION ONE (continued)

B213813 People (Not for Publication)
v.
F.S.

The juvenile court's order finding the vandalism allegation true and declaring Appellant a ward of the court is affirmed.

Chaney, J.

We concur: Rothschild, Acting P.J.
Johnson, J.

B214353 Los Angeles County, D.C.F.S. (Not for Publication)
v.
J.V., Sr.

The order denying Father's section 388 petition is affirmed.

Johnson, J.

We concur: Rothschild, Acting P.J.
Chaney, J.

B214469 Los Angeles County, D.C.F.S. (Not for Publication)
v.
M.J.

The order is affirmed.

Mallano, P.J.

We concur: Chaney, J.
Johnson, J.

DIVISION ONE (continued)

B212468 Los Angeles County, D.C.F.S. (Not for Publication)
v.
T.H.

The juvenile court's dispositional order is conditionally reversed. The matter is remanded to the juvenile court with directions to proceed in compliance with the notice provisions of section 224.2. If, after proper notice, the court finds that D.R., J.H. or J.Z. is an Indian child, the juvenile court shall proceed in accordance with the ICWA and section 224 et seq. If, however, the juvenile court finds that no child is an Indian child, the court shall reinstate its dispositional order.

Johnson, J.

We concur: Rothschild, Acting P.J.
Chaney, J.

B209031 People (Not for Publication)
v.
Young, et al.

The judgment against each defendant is affirmed. If the trial court has not already done so, it is directed to issue an amended abstract of judgment for defendant Favors correcting the description of and authority for Favors's conviction in count 3: the crime in count 3 is possession of cocaine base in violation of Health & Safety Code section 11350, not possession of cocaine base for sale under section 11351.5.

Mallano, P.J.

We concur: Chaney, J.
Johnson, J.

DIVISION TWO

B213894 People v. Gandy (Not for Publication)

The Court:

The judgment is affirmed.

Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J.

B207429 People v. Brown (Not for Publication)

We reverse the judgment of conviction and sentence on counts 2 and 3. In all other respects, the judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B216663 Los Angeles County, D.C.F.S. (Not for Publication)
v
B.O.

The order is affirmed.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

DIVISION TWO (continued)

B213458 People (Not for Publication)
v.
Cheatham

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

B209781 Nowcom Corporation (Not for Publication)
v.
Equifax Credit Information Services, Inc., et al.

The judgment of the trial court is affirmed. Equifax is entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

B206899 Save Laguna Creek, et al. (Not for Publication)
v.
City of Pasadena
Steven A. Jennings

The judgment is affirmed. The City shall recover its costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION THREE

B207720 Park (Not for Publication)
v.
Park

The order is affirmed. Defendant Jin Won Park is to pay all costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B208724 Kausch (Not for Publication)
v.
William H. Wimsatt, et al.

The judgment in favor of defendants and respondents William H. Wimsatt and Magana, Cathcart & McCarthy is affirmed. William H. Wimsatt and Magana, Cathcart & McCarthy are awarded costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B212497 Los Angeles County, D.C.F.S. (Not for Publication)
v.
D.S.

The orders of the juvenile court terminating father's parental rights and denying his section 388 petition are affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (continued)

B218109 R.P. (Not for Publication)

v.

Superior Court, Los Angeles County

(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for extraordinary writ is denied, and the order to show cause is discharged.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B215426 People (Not for Publication)

v.

Kevin O.

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B208713 People (Not for Publication)

v.

Lemino Marquis Dennis

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (continued)

B208135 People (Not for Publication)
v.
Woody Gene Hume

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B203121 Great American Insurance Company
v.
Superior Court, Los Angeles County
(Angeles Chemical Company, Inc. et al, r.p.i.)

Filed order denying petition for rehearing.

DIVISION FOUR

B210649 L.A. Arena Funding, L.L.C. (Not for Publication)
v.
D.N. Concrete Pumping, Inc., et al.

The August 5, 2008 judgment and November 21, 2008 order are reversed. L.A. Arena is awarded its costs on appeal.

Suzukawa, J.

We concur: Willhite, Acting P.J.
Manella, J.

DIVISION FOUR (continued)

B214175 Greene (Not for Publication)
v.
Levis

The judgment of dismissal is affirmed. Defendant shall recover her costs on appeal.

Suzukawa, J.

We concur: Willhite, Acting P.J.
Manella, J.

B209086 People (Not for Publication)
v.
Burns, et al.

The judgment with respect to Baston is modified to reflect a consecutive sentence of eight months in the state prison for count 3. As modified, the judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment and forward a copy to the Department of Corrections and Rehabilitation. The judgment with respect to Burns is affirmed.

Suzukawa, J.

We concur: Willhite, Acting P.J.
Manella, J.

B217283 K.W. (Not for Publication)
v.
Superior Court, Los Angeles County

The request for extraordinary relief is denied. The stay of the October 27, 2009 section 366.26 hearing is vacated.

Suzukawa, J.

We concur: Willhite, Acting P.J.
Manella, J.

DIVISION SIX

Court convened at 1:30 p.m. at the Santa Barbara County Board of Supervisors Hearing Room, Santa Barbara, California.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

Each of the following:

B210391 J.Cardenas & Sons, Inc. v. Davenport
B215066 Child Welfare Services v. C.L.

Argument waived, cause submitted.

B212308 Shon
 v.
 21st Century Insurance Co.

Merits:

Appellant failed to appear at oral argument and argument previously waived by respondent. Cause submitted.

B215180 Child Protective Services
 v.
 C.A.

Merits:

Argued by Anne E. Fragasso for appellant and by Toni Lorien, Deputy County Counsel, for respondent. Cause submitted.

B213125 Klein
 v.
 Klein

Merits:

Argued by Jonathan P. Chodos for appellant and by Tim Trager for respondents. Cause submitted.

DIVISION SIX (continued)

B206428 Reddell
 v.
 California Coastal Commission, et al.

Merits:
Argued by William S. Walter for appellant and by Rosana Miramontes,
Deputy Attorney General, for respondents. No appearance by respondent
City of Morro Bay pursuant to Rule, 8.220(a)(2), California Rules of Court.
Cause submitted.

B209735 Simandle
 v.
 Vista de Santa Barbara Associates

Merits:
Argued by Dennis Shea for appellants and by Robert G. Williamson for
respondents. Cause submitted.

Perren, J. left the bench.

B212474 Berge
 v.
 Cambria Community Service District

Merits:
Argued by Andrew Francis Linehan for appellants; by Michael M.
McMahon for respondent Cambria Community Service District; by
Stephanie Ann Bowen for respondent County of San Luis Obispo; and by
G. R. Overton, Deputy Attorney General, for respondent California Coastal
Commission. Cause submitted.

Court adjourned.

DIVISION SEVEN

B213110 People
 v.
 Brown

Filed order denying petition for rehearing.

DIVISION EIGHT

B209366 Heiddy Gomez, a Minor, etc., et al., (Not for Publication)
 v.
 Los Angeles County Department of Animal Control,

The order of dismissal is affirmed. The parties are to bear their own costs on appeal.

Bigelow, J.

We concur: Flier, Acting P.J.
 Bendix, J. (Assigned)

B208998 Robert J. Abdalla (Not for Publication)
 v.
 Barham Hojabri

The judgment is affirmed. The motion to dismiss the appeal and/or for sanctions on appeal is denied. Respondent is awarded costs on appeal.

Bigelow, J.

We concur: Rubin, Acting P.J.
 Flier, J.

B204986 Philip Kent Cohen
 v.
 DirecTV, Inc.,

Filed order certifying opinion for publication.